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The Free-man's Freedom vindicated -

The Mystery of y^e 2 Juntas, Presbyt. & Independt.

A Disc. betw. Lilburne & H. Peters -

The Picture of y^e Council of State -

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3rd Tho. Fairfax's 2 Lett^s to Parliament.

4 Petitions to 3rd Tho. Fairfax -

2 Lett^s from 3rd Tho. Fairfax to London: abt. Ref^{rs}

2 other Lett^s &c.

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Works of Darkness brought to Light - on y^e Army's refusing to disband

8 Queries on y^e Army's Declaration

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14th & 15th of Decem^r. By Lane. Minis^r.

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The Army's Remembrance -

Digitus Testium - The Essex's of 300: Reasons agt. y^e Agreement -

God & the King -

LIBERTY

Vindicated against
SLAVERY.

SHEWING,
THAT IMPRISONMENT
FOR DEBT, REFUSING TO
answer Interrogatories, long imprisonment, though for just causes.

ABUSE OF PRISONS, AND
cruell Extortion of Prison-keepers, are all
destructive to the fundamentall Laws and
common Freedomes of the people.


Published for the use of all the Free-
borne of *England*, whom it equally con-
cernes, by occasion of the House of Lords
commitment of Lieut. Col. *John Lillurn*,
close prisoner, first to *New-gate*,
and next to the *Tower*.

By a lover of his Country, and sufferer for
the Common Liberty.

Reade *Isaiah* 58.4.6. and *Nab.* 9.1.5.8.9.11.12.13.

Printed in the yeare 1646.

LIBERTY AGAINST SLAVERY.

 *IR Edward Cook* in his Proeme to his second part of *Institutes or Exposition upon Magna Charta*, sheweth, how it is called *Magna Charta*, not that it is great in quantity, there being many voluminous Charters commonly passed longer then it is, nor comparatively, in respect it is greater then *Charta de Foresta*: But in respect of the great importance and weightinesse of the matter it containeth, and for the same cause, *Charta de Foresta*, is called *Magna Charta de Foresta*, and both of them are called *Magne Chartæ Libertatum Angliæ*; The great Charters of the Liberties of England: So as of this great Charter it may be truly said, that it is *magnum in parvo*, much in little, and the Reasons (saith this learned Lawyer) why it is called *Charta Libertatum Regni*, The Charter of the Liberties of England from the effect, *Quia liberos facit*, It makes us Free-men, and for the same cause it is called (*communis libertas*, common liberty) and *Le charter des franchises*. There he sheweth how in the ninth year of *Hen. the 5.* by his Charter bearing date the eleventh of February. and by Parliament. this *Magna Charta* was established; also, in the 25. *Edm. 1.* where, by Act of Parliament it was ordained, that both the said Charters should be sent, (under the great Seale) as well to the Justices of the Forest, as to others, and to all Sheriffes, and to all other the Kings Officers. To all the Cities thorow the Realme, and that the same Charters should be sent to all the Cathedrall Churches to bee read and published in every County four times in the yeare, in a full County. The 25. of *E. 1.* chap. 3. The 28. of *Ed. 1.* chap. 2. and 17.

But that these Liberties and Franchises were not of Grace and donation, but of Right and Inheritance: There this experienced and honest Lawyer tells us, how it was (for the most part) but declaratory of the principall grounds of the fundamentall Lawes of *England*, and that it was no new Declaration; for King *John* had granted the like, which was called *Magna Charta* (as appeareth by Record) before this great Charter made by King *Hen. 3. Muth. Par. fol. 246. 247. 248.* And by the aforesaid Act of the 25. of *Edw. 1.* (called *Confirmatio Chartarum*) it is adjudged in Parliament that this great Charter should be taken as the *Common Law*. After the making of *Magna Charta*, diverse learned men in the Lawes, kept Schooles of the Law within the City of *London*, and taught all such as resorted unto them. The Lawes of this Realme alwayes then taking *Magna Charta* for their foundation. *Parl. Rec. claus. 19. of Hen. 3.*

And albeit (as Sir *Edward Cooke* well observeth) Judgements in the Kings Courts bee of high regard in the Law, and judiciall Judgements bee accompted *juris dicta* (words of the Law) yet it is provided by Act of Parliament, that if any Judgement be given contrary to any of the points of *Magna charta*, by any of the Justices, or by any other of the Kings Ministers, &c. it shall be undone and holden for nought, *confirmatio charta, 25. Edw. 3. chap. 1. & 2.*

The highest and most binding Laws, are the severall Statutes established by Parliament, yet by authority of that highest Court, It is enacted (only to shew their tender care of *Magna charta*, or rather, *The English-mans liberty*) that if any Statute be made contrary to the great Charter, (that is, against our just liberty) the same shall be holden for null (or nothing) by which words all former Statutes made against this Great Charter were Repealed, as appeareth by 42. of *Edw. 3. chap. 1.* And the Nobles and great Officers were to sweare (and did so) to the due observation of *Magna charta*, *Magna fuit quondam magnæ Reuerentia charta*, In such high and great esteeme was *Magna charta*, *The charter of the Peoples liberty*: neither Pre-rogative nor any other Priviledge, was, or could be pleaded or holden

holden out against *Magna charta*, (nor justly to this day, and at this time, if true Justice could once get its place and right, before *Arbitrary Power*) according to that ancient maxime of the *Common Law*, *Le comon ley ad tielment ad mesure ses Rois rogarives le Roy que ilz ne tollerent ne prejudicerent, la Inheritance de aucun.*

The *Common Law* hath so admeasured the prerogatives of the King, that these should not take away nor prejudice the Inheritance of any, and the best Inheritance that the Subject hath is the law of the Realm: This our Inheritance in *Magna charta*, as also the Statute of the 42. of *Ed. 3. c. 4.* are both confirmed (to us the Commons of *England*) by the Petition of Right in the third of King *Charles*, and also by the Statute made this present Parliament. for the abolishing of the Court of Star-chamber, in the 17. King *Charles*: This being so perspicuous and cleare, the question now is, Whether we the Free-men of *England*, may not, or ought not now of right, to expect and claime the benefit of the same (having subdued the common enemies of the Kingdome, and open oppugners and violaters of our Lawes and just Liberties) after so much treasure spent, and so much blood shed for defence and preservation of our Lawes and just liberties, if any doubt, *Let the whole world consider, and judge.* Notwithstanding all this:

Such are the incroachments, oppressions and great exactions upon our liberties, by some Ministers of State (by reason of frequent commitments and imprisonments, for contempts and ether triviall matters, as that they are become insupportable, and justly to be numbred amongst the greatest of grievances in the Kingdome. I will forbear to speake of the indirect practises, dilatory proceedings, & the exorbitant Fees of the Courts Judiciall, because the same will require a particular Treatise, I will only here in some measure (as yet) discover but only some of the cruelties, extortions, exactions, depredations and baseness of laylers and keepers of prisons.

In the first place, we are to consider, what Fees the Lawes allow unto Gaolers and Prison-keepers, secondly, how prisoners are to be used whilst they are under custody. Thirdly,

how long Prisoners are to be detained in prison, and in the last place what fees and rewards are taken and extorted from prisoners, and how prisoners have been and are used (or rather abused) with the sundry evils and cruelties accompanying the same.

Touching fees and rewards by the common Law, we find that no Sheriffe Coroner, Gaoler or other of the Kings Ministers, ought to take any reward for doing of his office, but only of the King, and this appeareth by the antient bookes of the Law, *Magna Charta. Chap. 35: Mirro. cap. 2. Sect. 5. Britton lib. 3 6 Flet. sp. 1. cap. ca 18. & Fortescue cap. 24. faith vicecomes Iurabit super Sancta dei Evangelii inter alios articulos quod non recipiet aliquid colore aut causa officii sui ab aliquo alio quam Rege*, that is, The Sheriffe shall sweare (amongst other articles) that he shall not take any thing (under colour or in respect of his office) of any man, but only of the King, and by *west* the 1. cap. 26. a penalty is added, the words of the statute are these, No Sheriffe nor other the Kings officer shall take any reward to doe his office, but what they take shall be of the King, and he that doth transgresse, shall yeeld twice so much, and shall be punished at the Kings pleasure. 3. of *Edw. 1. cap. 26.*

Under these words, *Officer of the King* (saith Cooke) the Law beginning with *Nell viscount* (no Sheriffe) are understood Escheaters, Coroners, Bayliffes, Gaolers, the Kings Clearke of the Market, Aunager, and other inferiour ministers and officers of the King, whose offices doe any way concerne the administration or execution of justice, for the common good of the Subjects, or for the Kings service, who shall not take any reward, for any matter touching their offices (but of the King) and some doe hold that the Kings Herraulds are within this Act, for that they are the Kings ministers and were long before this Statute, *Cooke Instit. 2. part, fol. 209.*

But if any in favour of Gaolers, or other such like officers, (whether the Serjeant at Arms or his servants (called Messengers) or that great officer of state, the *Lieutenant* of the Tower, or his substitutes) shall alledge, that what fees or other rewards

wards they take, whether as fees peculiar to their office, chamber-rent or otherwise, the same either by prescription warrantable, or by some order from the Lords of the Council-table, or decree of the Star-chamber, or by some latter Statutes yet unrepealed, all which severall allegations are easily answered, for first of all, no Shrieffe or other officer, can prescribe for any fee or reward, for doing of his office. See the 42. of *Ed.* 3. fol. 3. fol. 5. And the 21. of *Hen.* 7. fol. 17.

For the Council-table, Star-chamber, and Judges, their incroachments upon the just liberties and rights of the people, their exorbitant and unlimited power by them exercised, and illegality of their proceedings, are not unknowne to all men, and by an Act of this present Parliament (17. *Carol.*) the Council-table is limited and restrained, from intermeddling in causes of private interest, touching the free-holds, or the ground, or libertie of any mans person; the Star-chamber utterly abrogated and abolished; and as their proceedings, decrees and commitments, were tyrannous, oppressing and illegal; to the enslaving of the people (being the cause and ground of their restriction and taking away) Their orders and tables for fees, granted to the Gaolers, be as unjust, illegal and oppressing the people.

So in like manner I doubt not but that these extorting, barbarous and murdering Gaolers, and all other ministers of State, who make their rise and fortunes, by the ruines and spoylings of the people, and as they tread in the steppes of their predecessours (and rather exceed them in iniquity) so shall they run into the same destruction, for as the overflowing of water doe at length make the river lose its proper channell, so those that seeke to extend their power beyond their bounds, have ever hitherto lost not only their powers by them usurped, but often even that also which by right belonged unto them.

For the Statutes which seemes to favour such, can no way warrant these their abominable exactions, the fees being very smal and inconsiderable which these latter Statutes give, so the same will rather condemne them, justifie them in these their cruell extortions.

Besides

Besides it is to be considered, that all statutes and lawes are Null and void, which are or do any wayes tend to the infringing of the peoples rights and liberties, being repugnant, and contrary to *Magna charta*, so often confirmed, though seldome or never observed or kept, the neglect whereof, and the suffering of the violators thereof to passe unpunished, have been the causes of great troubles to the Kingdome, in these and former times, and without their follow some speedy amendment thereof, and punishment to the breakers and abusers of this great *Charter of liberty*; nothing can be expected but confusion and unavoidable ruine upon this Kingdome, being by the sword already so much wasted, and by these and the like grievous oppressions, made to be a *People in meere Bondage and slavery*; most worthy therefore of consideration, is the observation, which Sir *Edward Cooke* hath made touching this paynt, how that the alteration of any of those maxims of the common Law is most dangerous, for while (saith he) Sheriffes, Elcheaters, coroners & other ministers of the King, whose offices any wayes concerne the administration or execution of justice, or the good of the common wealth, could take no fee at all for doing their office, but of the King, then had they no colour to exact any thing of the subjects, who knew that they ought to take nothing of them; but when some act changing the rule of the common law, gave to the said Ministers of the King, fees in some particular cases, to be taken of the Subjects; whereas before, without any fees taken at all their office was done; but now (to our grief be it spoken) their is no office at all done by any without taking, and extorting; it is incredible to relate what extortions have thereupon ensued: So dangerous a thing it is for to shake or alter any of the rules, or fundamentall points of the common Law, which in truth are the maine pillars and supports of the fabrick of the Common wealth: *Cook 2. part Iust. upon Magna Charta c. 35. the 1. West c. 26.*

How Prisoners are to be treated and used whilst they be continued in prison, and in custody of the Law.

We are to consider that the Law of England, is a Law of mercy

mercy (as Sir Edward Cooke saith) in his 2. part of *Institution*. fol. 28. And prisons are ordayned not for destruction, but for securing of mens persons, untill they be brought forth unto due and speedy tryall; and therefore are to be humanely and in all civility ordered and used; otherwise Gaolers are not keepers, but tormentors and executioners of men untried, uncondemned, and this were not (*Salvo custodie*) to keep men in safety, which the Law implyes, but (*Discernere*) to destroy before the time, which the Law abhorres.

If so then wickednesse should be established by a Law, and our judicatories and proceedings would be worse and more wicked, then the damnable and damned proceedings of the judge of hell, notably described by the philosophical Poet.

*Grocius hic Radamanthus habet durissima Regna,
castigatque auditque dolos Subigitque; facerij,*

And in another place. *Legis Finit precio atque refinit.*

First he punisheth, then he heareth, and lastly compelleth to confesse, and make and marre Lawes at his pleasure: But good Judges and Justices abhorre such Courts, saith learned Cooke.

Although by Law a man ought not to go out of prison, or abroad though with a keeper, and with leave, for he is to be kept in *Solus et arcta custodia* in sole and restrained custody; but yet imprisonment shall be (*custodia non pena*) a keeping only for the bringing unto tryall and judgement, but not a punishment or place of execution; for a prison ought not to be employed for punishing, but for the safe keeping of men; see Cokes 1. part *Institutiones* fol 260.

And that prisoners may be the more honestly and carefully provided for, and the better and more civilly used, and to the end that Gaolers and Keepers of Prisons should not have any colour or excuse, for exacting any thing from prisoners, who are in custody of the Law, it is provided by the Law, that all Prisons and Gaolers be the Kings for the publique good, to be made, repaired, furnished with all fitting accomodation, as beds, candlesticks, basons and chamber pots with other things needfull, at the Kings and publicques charge, as appea-

reth by the 11. of E. 2. det. 172: the 13. E. 3. Bar. 153: 27 of Affi. 27. the 8. of He. 4. 18. the 20. of Ed. 4. 5. Brit. 72. And therefore are they called the Kings, or the Common prisons. the 5. of E. 4. chap. 10.

And Sir. *Edward Cooke* in his second part of *Instit.* fol. 589. saith thus, *Albeit divers Lords of liberties, have custody of some Prisons, and some in fee, yet the Prison it selfe is the Kings, pars bono Publico, and therefore it is to be repayed at the common charge, for no subject can have the Prison it selfe, but only the King;* by all which it appeareth, that whatsoever is taken of any prisoner, under what colour or pretence soever, whether the same be called fees, or chamber rent, is most unduely and unjustly extorted.

For which these severall extortions and exactions, these keepers of prisons within this Kingdome, being lawfully convicted thereof, ought not only to forfeit and loose their Gaole offices, but likewise to be most severely punished, & made exemplary, & a warning to all such as shall succeed in their place, from presuming to wrong the poore prisoners in their persons, or in any thing belonging to them, as some poore prisoners of late have been in the *Prisons of Kings Bench, the Fleet and Newgate*, wher some have been robbed, beaten, put into Iron boulds, draged out of their beds at unreasonable times of the night, thrust into dungeons, starved, and also murdered, yea some also lamed by Iron Fetters, and some hanged before day, as appeareth by those articles exhibited to the house of Lords in the yeare. 1641. and proved by more then thirty witnesses, who signed the said Articles with their severall names, (if produced) besides those lately exhibited to the Committee of Examination, against Sir John Lenthall, Thomas Dutton and others.

But alas how miserable is the present inflaved condition of this Nation. where the gaolers (being thus supported) rore like Lyons, devoure like Tygers, ravine like Wolves, and like Beares crush the Prisoner under their feet; and yet poore men they dare not exhibit their complaints, if exhibited, yet then both they and their complaints ex-
treamly

freely slighted, the Gaoler thereby Imboldened to persist in his cruelty, and thus by seeking remedy, their miserable sufferings are augmented, and their wives and children thereby exposed to all the misery that tyranny can invent, we looked for prosperity and justice, but behould misery and oppression, for liberty, but behould thralldom, vayed by faire promises, although never people have done more for the recovery of their liberties then wee have done, nor never were there any people that have been (by so many Oathes, protestations, covenants, and declarations) fairlyer promised and more assured of the fruition and Injoyment of the benefite of our good Lawes then we have been for almost five yeares past, yea though the Law of England be a Law of mercy, yet is it now turned into a shadow, and it may be said of *Magna charta*, and the Englishmans liberty (for which we have fought so long, and adventured all) as *Cicero* said of *Romes Senate*, *Habemus quidem senatum se in tabulis reconditum & utquam gladium in vagina*, we have indeed a Senate but in shew, and as a wooden sword in a skabbard, and may not that free speech of *Isabella*, Countesse of *Arrundell*, unto King *Henry the third*, be fitly applyed to these times, I could wish poore prisoners and suters had no cause to say the like on the Parliament of England, the Countesse moving the King about a Ward detained from her, the king in turning away from her gave her a harsh answer thereupon, her words were these unto the King, viz. *My Lord, Why turne you away your face from Justice, that we can obtaine no right in your court? You are constituted between God and us, but neither you governe your selfe nor us discretely as you ought to doe, you shamefully vex both Church and Nobles of the Kingdom by all the meanes you can.*

It seemeth the Lords were then lovers of Justice and Law, (Oh, would it were so now,) to which speech the King in disdainfully replied, saying, Lady Countess, have the Lords made you a charter and sent you (for that you are an eloquent speaker) to be their advocate and Prolocutrix? No Sir (said she) they have not made any charter to me, but only the charter which your father and

you made; and swore so often to observe, and so often extorted from your subjects their money for the same, you unworthily transgresse, as a manifest breaker of your faith, where are the liberties of England so often written, so often granted, so often bought? I (though a woman) and with me all your naturall and faithfull People appeale against you, to the tribunall of that high Iudge above, And Heaven and earth shall be our witnesse, that you have most unjuſtly dealt with us, and the Lord God of revenge avenge us. Here with the King diſturbed, asked her if ſhee expected no grace from him being his kinſwoman? How ſhall I ſaid ſhee, when you deny me my right; I therefore appeale before the face of Chriſt againſt all thoſe counſellors of powers, who being only greedy of their owne gaine have bewitched you and inſanuated you. Mr. Daniel on the life of Henry the third folio. 141.

But I pray you heare your poore priſoner what he ſaith from his ſlaughter houſe. under the cruel cuſtody of his executioner the Gaoler, the priſoner calles for Juſtice and expects diliverance from this his ſlaughter houſe accordingly, and by the way here alſo apeareth a poore priſoner for debt, who ſaith, that by the Lawes of this Realme, he is and ought to be a freeman, but is unjuſtly contrary to the Law made aſlave, and caſt in priſon to be ſtarved or murdered, and with him accordeth Sir Edward Cocks, who ſaith, when a Subject at the common Law, ſueth for execution upon a Iudgement for debt and dammage, he ought not to have the body of the defendant, but onely his goods in execution, unleſſe it be in ſome ſpeciall caſe, viz. for the Kings debt: And the reaſon of the ſame is, that the body in caſe of debt ſhould not be delayed in Priſon, but remaine at liberty, not only to follow his owne affaires and buſineſſes, but alſo to ſerve the King and his Country when need ſhould require, nor take away the poſſeſſion of his lands for that would hinder his husbandry and tillage which is ſo beneficiall to the Common wealth, vide 2 part of his Inſtitut. folio 344. whereby it appeareth (as formerly hath been ſaid) that the law of England is a Law of mercy, and all our priviledges and liberties are confirmed unto us by Magna charta chap 29. where it is ſaid, That no

man shall be diseased of any of his liberties and free-holds, to the statute of *West 2 folio 18*, the thirteenth of *Edw. 3.* where halfe of a mans land is charged for want of other goods, which doth in a great measure spoile a man of his free-hold contrary to Law, and so is void to that poynt; but if any doubt be made thereof, the same is clearly by a latter Statute which is none other then a confirmation of *Magna Charta*, and the Liberties of England, I will set downe the very letter of the Statute. *viz. Wee Will and grant that all men of our Land shall have their Laws, Liberties, and free customs, as largely and wholly as they have used to have the same, when they had them at the best, and if any Statute by us and our ancestors or any customs brought in contrary to them, or any article contained in this present charter, we Will and grant that such manner of Statutes and customs shall be void and Frustrate for ever more. The 34. Edw. 1. chap 4.*

If it shall be objected, that this Statute is repealed by some latter Lawes & Statutes, whereby not only mens lands may be seised, but likewise their bodies made liable to be Imprisoned for debt or dammage till the same be paid or satisfied, I answer, that these and such like Statutes being Repugnant to *Magna charta* (or Fundamentall Law of the Realme) by which charter the Commons of England are enabled to convene and sit in Parliament, and being also flatly against the Liberties of the Commons of England, are absolutely-void in themselves and no waies binding, because *Magna Charta* which giveth them their being, is by them brought in diminution and ineroachment of the inheritance, right and Priviledges of all the free borne people of this Kingdom: and made invallid and of none effect in Law. And yet in the same Parliament the said great Charter was then also ratified and confirmed, I say by the same Parliament which made the said other destructive Lawes, but to cleere all doubtfull questions and controversies.

These latter destructive Statutes (under colour and by vertue wherof many thousands have been imprisoned, murdered, starved and ruined there, their wives and children also destroyed for many yeares together; the said cruelty

also still continued and are barbarously practised as ever; upon the free borne people of *England*, are absolutely void and made of none effect; being now repealed by the late Petition of right, and by the statute made this present Parliament for the abolishing of the Star-chamber, in and by both which not only *Magna Charta*. but this good Law and Statute of the 34. of *Edw. 1. chap 4.* (the same being but a restoration and confirmation of our former priviledges & Liberties) are created, revived, and fully confirmed, and againe since purchased, redeemed and recovered with no lesse then the blood and precious lives of more then a Million of true harted and Free-borne English men, so as it must needes be great injustice and wickednesse to withhold us from the injoyment of this our right, liberty, and inheritance, which hath cost so great a price, and all such as are detained and holden in prison for debt ought to be freed and Inlarged, as being Illegally and falsly Imprisoned contrary to the iust and Fundamentall Lawes of this Kingdom. which the High Court of Parliament as well as other Iudges, Iustices and other Ministers of State are bound and have Sworne to the uttermost of their power to defend and preserve and inviolably to observe the same.

And have not these our Judges, and Lawyers, as well as others of former times by their Orders, Decrees, Judgements and Executions, for committing and detaining mens bodies for debt, discovered themselves to be Oath-breakers, & betrayers of the Law wherewith they are intrusted, whereby their selfe-ends, covetous minds. and by-respects are plainly discovered, and their owne private gaine (and flourishing state of Grolers) before the precious Liberty and well being of the Commons of *England*, by them preferred: For which their insoleney, they deserve to have inflicted on them, and to undergoe, more heavy more Exemplary, and great punishments then those Iudges received, that gave that false Judgment for shipmony, for by the right of shipmony, a man had but a small part of his goods unjustly taken from him; but by the false Judgement and executions against the bodies of

Warrant
the five
years delay
of the
Ordinance
for release
of Prisoners
for
Debt, and
you may
easily see
the Fox-
like subtilty
of the
Lawyer
in it.

Of men for debt. Millions of people have been and are spoyled of their credits, callings and Liberties, (which hath bene ever counted the most precious Jewell belonging to the Commons of *England*) and both them and their wives and children utterly ruined, no provision being made or allowed to the prisoner for food or rayment, if once committed to prison he must then either starve or beg at the grate, nay often times upon the singular displeasure of the Gaolor mew'd up in a close roome without any allowance of bread or drinke, where beg he cannot, and therefore must inevitably perish (if not by strangers or friends releev'd) being by the Gaolor no wayes pittied, but his death rather daily wished and desired, nay to the shame and reprobation of this Nation be it spoken, some poore men for debt have been (in a famishing and perishing condition) kept in these prison houses for 10, 20, 30. and some 40 yeares together, and as they were and are helpelesse, so also hopelesse ever to be freed out of prison til by death delivered from under the hand of their cruell extorting Gaolor and his impes of cruelty, such barbarous cruelty, and wilfull murthering of the poore soules, in prison houses for debt, is no where practis'd or exercised, no nor any people so tyrannized over and subjected to the like misery, oppression and servitude in any nation or Kingdom, throughout all *Europe*, as is impos'd upon the poore spoyled freeborne English-man, yet we justifie these doings, and support the instruments of the same, as of late some of us did the Luciferion Prelacie here, as though wickednesse and oppression were established by the Law, and Justice, and mercy, quite swallowed up by tyranny; oh that our Parliament would at length (though late) free this Nation from this unsupportable vassilage & bondage & restore us to our ancient (*long lost*) Liberties and freedoms, and no longer suffer us thus tyrannously to be wasted and worne out, famished, and starved, and murthered, in these destroying prisons, by long imprisonment, which the Law accounteth most *odious and hatefull*.

For instance the Fleet and Kings-Bench.

By the statutes of Westminster, the 2 Chap. 29. Anno 13. Edm. 3. it is enacted for the ease and benefit of the subject, that

that no Writ of trespassie (*ad audiendi & terminandi*) for hearing and determining) shall be granted before any Justice, except the Justice of either Bench, and Justice of *Oyre*, or else if it be for a hainous trespassie where it is necessary to set speedy remedy, and no writ to heare and determine appeale before Justices assigned shall be granted, but in especiall case and for a cause certaine, when the King Commandeth, but if the parties appealed or Indited, be kept long Imprison, they shall have a Writ of *Odio & Atia*, like as is declared in *Magna Charta* and other Statutes, the Law favouring the Liberty and freedom of a man from Imprisonment and that he should not be long imprisoned, alloweth the Writ *Odio & atia*, for Bailing out of prison, though the cause were most odious, and in favour of the Prison, by *Magna Charta chap.* provided that the Prisoner shall have his writ *gratis* without Fee, without delay or deniall.

And Sir *Edmond Coke*, upon this Statute of *Magna Charta* saith, though the offence whereof the prisoner was accused were such as he was not Baileable by Law, yet the Law did so highly hate the long imprisonment of any man, although accused of an odious and hainous crime, that it gave him this writ for releefe, and that there was a meane, by the Common Law, before indictment or appeale, to protect the innocent against false accusation *Coke in his 2 part of Institutes Fel 42.*

For the prisoners commitment to prison, is only to this end, that he may be forth coming, to be speedily and duely tryed according to the Law and Custome of the Realme, nay, the Law hath beene so far from allowance of detaining a man long in prison, without due and speedy tryall, that it was resolved in the case of the Abbot of Saint *Albans*, to have a Gaole, and a Gaole delivery and divers persons were committed to that Gaole, and because the Abbot would not be at cost to make a Gaole deliverance, he therefore detained them in prison a long time without making lawfull deliverance, but the Abbot had for that very cause fore-cited this Franchise seized into the Kings hand, and the Abbot of

Crowland had also a Gaole, wherein divers men were imprisoned, and because he detained some that were acquitted, the King seised the Gaole for ever, *vide the 8. of Hen. 4. fol. 18. the 20. of Edw fol. 6. Cook* in his 2 part institute, upon *Magna charta, fol. 47.*

A thing usually and daily practised by Gaolers especially the Gaolers of Kings Bench, and the Fleet

Now that Parliaments should weary and waste men out with long imprisonment, without bringing them to a speedy and due tryall, is neither justifiable, nor hath been accustomed; for the more high and absolute, the jurisdiction of the Court is the more just and honourable it ought to be in the proceedings, and to give example of justice to all other inferior Courts.

The King being desirous to know of the Judges, whether a man that was forth coming might be attainted of high treason by Parliament being never called to his answer, the Judges answer then was to Sir *Thom. Gawdy* (sent by the King) that the high Court of Parliament ought to give example to Inferiour Courts, for their proceedings in Justice, and that no Inferiour Court could doe the like, for by the Statutes of *Magna charta chap. 29. the 5. of Edw. 3. chap 9. and the 28. of Edw. 3. chap. 5.* no man ought to be condemned without answer; see, *part. 4. Instit. fol. 37, & 38* neither ought any man to be kept in prison without being brought to answer and speedy tryall. *Magna charta chap. 26.* whereby it appeareth what expedition ought to be used for avoyding of long imprisonment, the time of twelve moneths, nay, one moneth was then thought to bee long, therefore the time of seven, ten, or twenty, yceres imprisonment now usuall, is most barbarous, vile, inhumane, and sathanicall and savours no waies of any Christianity, or of the true knowledge and feare of God; and it is to bee observed, (saith learned sir *Edward Cooke*) *that lex anglia est lex misericordie*, the Law of England is a Law of mercy, for three causes, first, for that the innocent shall not bee worne and wasted by long imprisonment, but (as by the Statute of *Gloc. chap. 9. and by Magna charta, appeareth*) speedily to come to tryall.

Secondly, that prisoners for criminall causes, when they are brought to their triall, be humanely dealt withall, for, *Severos quidem facit justitia inhumanos non facit*, justice maketh the Judges severe; and *Fleta laith*, *Cum autem capti in iudiciis producti debeant non producantur armati sed ut iudicium recepturi nec ligati ne videantur respondere coacti*, that is, when prisoners are brought forth to judgement, they may not have any weapons about them, but as men to receive judgement of Law, neither ought they to be fettered, lest they seeme to be enforced to answer.

Thirdly, the Judge ought to exhort him to answer without feare, and that justice shall be duely and truly administred unto him, *Cooke 2. part Institut. fol. 315, 316.* seeing by the Law, Gaolers and prison keepers are not to take any fee or reward of any prisoners, and seeing Gaoles and prisons be not private or particular mens, but doe properly belong to the common wealth, and so to be maintained at the publique charge, and for that purpose the keepers of the Gaole of Kings Bench and the prison of the Fleet, together with some other prisons have and receive certain severall yearly stipends out of the Exchequer, of the King, as appeareth by their severall grants under the great Seale, as also by the antient Records in the Tower.

Seeing then that by the Law, prisoners ought to be well and humanely ordered and used, while they be continued in Prison, and having fully proved that men ought not to be imprisoned for debt, and how that long imprisonment, is in and by the Law adjudged odious and provided against, we will therefore also take a briefe view of the severall Fees, Extorted and Extorted, by some of these Prison keepers in and about London, and how they use, or rather abuse the poore prisoners under their charge and custody, the Fleet and Kings Bench, being the two prime Common shores into which all other prisons of England and Wales empty themselves, if due inquisition were made of these alone, it would be found that no lesse than 2000^l yearly, if not 3000^l is taken and extorted from poore prisoners, by either of those Gaolers, their Clerks

Clerks & others their evill minded substitutes, yet have we not seen nor heard of any one Gaoler punished for these their extortions & other their cruelties & misdemeanors (all w^{ch} have been complained of by prisoners,) no nor so much as checked for their cruell oppressive practises, since the 1. sessions of this Parliament, which hath so much the more inboldened them and their hellish Impes, to persist in their cruel waies of oppressing, assaulting, beating and robbing the prisoners, tormenting them by iron fetters, starving, and close imprisoning them at their pleasure, requiring also and forceably exacting from the prisoners their illegal Fees, excessive Chamber-rents, and other their severall exorbitant, boundlesse, and unlimited demands, or rewards as they please to treat them, all which severall most grievous (*Tollered*) Oppressions and exactions, if exactly particularized, would require a very large volume,, therefore I purpose only (in brieve) to acquaint you with the inhumanities of Newgate, the cruelties of Kings Bench and with some passages only of the Fleete, and Tower of London (in its due time and place) in the meane time I will only give a touch at their (Lawlesse) high and transcending Fees constantly exacted of prisoners.

Newgate, that vile and infamous Prison, the old Episcopall Slaughter house of many of the deare and precious Saints and servants of Christ, hath and doth to this day retain its old Malignancy and inveterate malice, as appeareth in their bad usage of that worthy and constant sufferer for his countries liberties, Lieutenant Colonell *John Lilburne*, and others.

It is not unknowne with what courage and constancie this deserving Gentleman maintained the Kingdomes cause and liberty against the bloody Prelates, *Insulting Lords*, and *Law-betraying Judges* of those times, how neither that bloody Censure of the Lords in the Star-chamber, nor the rigorous and cruell execution thereof Neither all the Barbarous and Salvage usages of *James Ingram* the Renter-Warden of the Fleet, and his bloody substitutes, towards him; whilst hee was kept in the Common Wards of the Fleet, could

in the least bring his spirits under, or be brought to stoope to these lofty Cedars and sonnes of *Anak*, but under-went (with all cheerfulness) what malice and tyranny could devise or inflict upon him: And with an undaunted mind and resolution endured all, withstood all their assaults, and by the assistance of the Almighty overcame all, and lived to see the downfall and confusion of most of those, his oppressours, all which his undaunted resolution will be recorded to all posterities, and may justly reprove our pusillanimity and poverty of spirit in this Generation, who are so fearful to own themselves, and most regardlesse of their libertties and countties welfare, most men now preferring their owne present ease and wealth, before the future welfare of their posterity and countties Liberty, to whose true valuation all the riches, honours, and promotions of men is not to be compar'd. Oh *England* seeke after this thy precious Liberty! Breake off this thy Iron band from ff thy neck, and bow no more under this yoke of bondage, suffer thy selfe to be no longer lulled asleepe in this oppressing cradle of security.

This worthy Gentleman, who may be truly stiled, *Liberties Champion*, being committed to Newgate by the Committee of Examinations in *August 1645*, which commitment, being put to the question, the House of Commons approved of, yet after his continuance twelve or thirteene weeks prisoner; No information or charge being brought against him, he was then discharged of his imprisonment, which for the time was to him both grievous and chargeable: This is most certaine, that he hath deserved better from the House of Commons, having formerly adventured his life so freely for them against Captaine *Hear*, who drew his sword in Westminster-Hall of purpose to make an uprore; but was by this valiant Gentleman disarmed, who brought both him and his sword to the House of Commons; but the Sergeant at Armes let the Captaine go, restoring to him his sword, who being no sooner come to the residus of his companions, caused them to draw their swords and fall to slashing and cutting, driving the naked people up to the very Parliament stairs, with a resolution.

solution (as was then conceived) to cut the throats of all the House of Commons, which was then by the valour and courage of this Gentleman Lieu. Coll. *Lilburne*, Sir *Richard Wiseman*, and their friends prevented, and the Parliament house (for that time) secured.

The Fees which the Gaoler of New-gate exacted of Lieu. Coll. *Lilburne* were great and excessive: The affronts and wrongs put upon him and his friends there, were most insufferable, being also enforced to pay for his chamber-rent about twenty shillings weekly, as though Newgate were the Gaolers and not the Common wealths.

This Gentleman hath been since also committed to the said Prison of Newgate by the Lords, contrary to *Magna Charta*, and the Petition of Right, where it is said; *No man shall be imprisoned, but by the judgement of his Equals being men of like condition and quality*, that is to say, *Commons by Commons*, as *Peeres by Peeres*, and no man put to answer before Indictment or Presentment in matters Criminall, 5 of Edw. 3. chap. 9 the 25 Edw. chap 4. so as the Lords have not the least colour or shadow of Law to passe Judgement of life, limbe, or libertie upon any commoner of England, see *Magna charta*, chap. 29. and this notably appeareth by a Record of Parliament, where albeit it was accorded in the upper House of Parliament Anno 6. of Edw. 3. nu. 6. that such learned men in the Law as should be sent as Justices or othe wise. to serve in Ireland, should have no excuse; yet that being no Act of Parliament it did not bind the subject, and further it is added that if any man be arrested or imprisoned against the forme of the great Charter, that he shall be brought to answer and have right. Rot. *Parlamentum*. 60. and thereupon (saith that learned and judicious man Sir *Edw. Cooke*) all Commissions are grounded wherein is this clause *Facturi quod ad justiciam pertinet secundum legem & consuetudinem anglie*. to doe justice according to the Law and Customes of England.

And it is not said *legem consuetudinem Regis Anglia*, The Law and Custome of the King of England, lest it might be thought to bind the King only, nor (*Populi Angliae*) the people.

people of *England*, but that the Law might extend to all (*per Legem terre*) by the Law of the Land, *Magnacharta. chap. 29.*

Against this ancient and fundamentall Law, and in the very face thereof (saith Sir *Edw. Cooke*) he found an Act of Parliament made in the 11 of *Hen.* the 7. *chap. 3.* that as well Justices of Assize, as Justices of Peace without any finding or presentment by the verdict of 12. men, upon the bare information for the King before them, should have full power and authority, by their discretions to heare and determine all offences & contentments committed or done by any person or persons against the forme, ordinance, and effect of any Statute made and not repealed, by colour of which Act. shaking this Fundamentall Law, (it is not credible) saith he what horrible oppressions and exactions (to the undoing of infinite numbers of people) were committed by Sir *Richard Lupson* Knight, and *Edmund Dudley*, being Justices of Peace through *England*, and upon this unjust and injurious act as commonly in the like cases it falleth out, a new Office was erected, and they made masters of the Kings Forfeitures.

These oppressions are the Lawyers seed sown in the field of contention to the peoples ruine and destruction.

But at the Parliament holden in the 1. of *Hen. 8. chap. 6.* this Act of *Hen. 7.* is recited made voyd and Repealed, and the reason thereof is yeilded, for that by force of the said Act, it was manifestly knowne that many sinister, crafty, and forged informations had been pursued against divers of the Kings Subjects, to their great damage and unpeackable vexation, (a thing most frequent and usuall at this day and in these times) and the ill successe whereof together with the most feartfull end of these great Oppressors should deterre others from committing the like, and should admonish Parliaments in the future, that in stead of this ordinary and precious tryall *Per legem Terre* they bring not in. an absolute and partiall tryall by discretion, *Cooke 2. part institute folio 51.*

Most the Committees of this Kingdome, if duly examined, will be found to have (with a high hand) exercised the like

like arbitrary and unlimitted jurisdiction, to the great oppression of the people, whereof even at present all severall Counties of *England* sadly complaine, but hitherto finde little or no Redresse, such is the misery of these times. But let us returne to our honest Prisoner in Newgate. Licu. Col. *Lillburne* after his being committed thither close Prisoner, being to be carryed before the Lords, hee desired to see and have the Copie of the Warrant for it, but the Sheriffe of *London* refused to give it to him or any of his friends, a thing never (heretofore) denied to the worst of men whether theeves or murderers.

When some of his friends desired to see him, it was denied them, and then also most vile and bad language returned unto them by the Gaoler and his unworthy substitutes; Seconded also with severall threatnings; nay, his wife was not suffered to give him any victuals, or to come unto him, *An unheard of cruelty*, being against the Law of God, *Nature*, and *Nations*, a priviledge allowed to Traytors never denied to any Malefactors to have their wives and friends minister unto them; this kind of cruelty and injustice the Parliament in their Remonstrance of 15. Decemb. 1642. condemneth and complaineth of, in these words :

Where amongst other weighty matters, to shew the bold and presumptuous injustice of such Ministers as durst breake the Lawes, and suppress the Liberties of the Kingdome, after they had been so solemnely and evidently declared.

Another Parliament dissolved, 4. Car. the priviledge of Parliament broken by imprisoning diverse members of the House, detaining them close prisoners for many moneths together without liberty of using books, pen, inke, paper, denying them all the comforts of life, all means of preservation of health, not permitting their wives to come unto them, even in the time of their sicknesse, and for the compleating of that cruelty, depriving them of the means of spiritual consolation not suffered to go abroad to enjoy Gods Ordinances in Gods House, nor Gods Ministers to come unto them to administer comfort unto them in their priuate chambers, and

and to keep them still in this oppressed condition, not admitting them to be bayled according to the Law. See booke of Declarations, fol. 6.

Vpon the Lords order for bringing Lieu. Coll. *Lilburne* before them, the Sheriffe of *London* in a reproachfull and dishonorable manner, sent him from Newgate, as a theefe, or some such like Malefactor, attended with about 30. or 40. Sergeants and other Officers armed with clubs and staves, at which time being brought before the Lords he then was by them committed to the Tower of *London*, the Fees there, being far greater, and his usage not much better then Newgate, no consideration or regard had of his former sufferings and losses, nor how he is and hath been wasted and spent in attendance on the Parliament, for some due reparations for his former false imprisonment and barbarous usage, upon that cruell, unjust, and *unpresidented Decree of Star-chamber*, here the Gentleman must bee left naked againe, his upper garment by the Tower Law upon his first entrie is forfeit to the Lieutenant as a Fee.

This is not to cloth the naked, *Is this the Reformation* (so long looked and wished for by the free borne people of England) thus to spoyle the Prisoner, and Caniball-like to Feed fat upon the flesh of our brethren. But what must he pay there for entrance and admission, *No lesse then thirty pound* to the lieutenant of the Tower, *five pound* to the Gentelman-porter. Lodgings of chamber-rent there exacted is great, of some *fifty-shillings*, of other *forty*, and *thirty* is there taken.

How can we complaine of the enemies spoylings and plundrings? How can we speak against the enemy for violence and wrong-doing? *With what face in Justice can we do it?* Whilst our owne great Officers of State are suffered, countenanced and protected in these their excessive and unsupportable exacti-
ons, and oppessions? But seeing the Gentleman must pay so deare for his entrance and Lodging, who would doubt of his kind usage and entertainment there, but alas here is but Newgate welcome and usage, he must not have the copy of the Warrant for his commitment, he must neither
be

be allowed to write, nor any friends to speake with him, without his keeper being by, and first ther giving in their names and places of habitation, nay, his wife may not accompany him nor bring any thing to him, but in presence of his Keeper, no conjugall duties may they performe the one to the other, but still the Keeper must be by.

When this worthy Gentleman desired the copie of the Warrant for his Commitment, it was denied him by the Lieutenant of the Tower, who told him it was not the custome there to give any, but he would reade it him, which he did, being to this effect, that the Lieutenant of the Tower should keepe him seven yeares and take care that he should not write nor print any thing that should be scandalous to either House of Parliament, which, saith he, I cannot doe, except I keepe your wife and all your friends from you, except it be with a Keeper, and if your wife at any time tarry, she must be a Prisoner with you; Mr. *Libburne* told him he did not conceive that to be the extent and meaning of his warrant, nor his wife prohibited thereby to come at him, she being all the outward comfort he had in the World, but to free the Lieutenant of the Tower from the danger of his writing, he offered to engage himselfe as he was an honest man & had regard to his reputation, that if his wife might have liberty freely to come to him, he would neither write nor print at all, whilst his wife had this liberty, which the Lieutenant of the Tower denyed & so would not suffer his wife or friends to speake to him without his Keeper by, and afterwards the Lieutenant of the Tower received a Warrant from the Lords expressing these words which indeed he had before put in execution.

And to add unto his affliction, One *White* a Warder of the Tower (who came to the Lieu. Col. in Newgate and gave him there evill and provoking language) doth with contumelious and reproachfull words and gesture frequently affront and abuse this worthy deserving Gentleman, and such of his friends as come to visite him: This *White* when he is in place hath often-times turned backe with threatnings his

friends, and such of them as he suffered to go to him, those passe not without affront, (O the cruelty and wickednesse of the times! What is inhumanity, if this be not? Nay, what is Paganisme or Turkish slavery, if this be not such?) *If this be the English mans Liberty*, what is servitude?

But as though this his usage were yet too good for him, or this his strict restraint not great enough. The Lords have of late given a farther order for a more strict watch over him: Thus you may see who ever be that speaketh freely, or writeth in defence of Law or Liberty, though never so worthy or deserving, then either by surmised imputation of some capitall crime or by-aggravation of small causes by far fetched circumstances or strained constructions, his life or liberty, or both, is called into question. What benefit, what comfort then have the people of this Realm, in having the Star-chamber and high Commission Courts taken away, if their fellow-Commoners of *England* shall be thus enslaved, and thus suffered, without Law to be robbed and spoiled of their Liberties, and in all this time not vindicated; what avails all the blood, Travell and Treasure, which hath been shed and spent for the recovery of our Lawes and Liberty; if these abuses and oppressions be not redressed, if these outrages and violences be thus passed by?

May it not be truly said, that we have fought our selves into slavery & our Government turned into a Tyranny? it is a grieve to speak it, and for to hide it, it availeth not, being now come to the knowledge and sight of all men. Our Ancestors of old lived in the highest pitch of perfect Liberty, and wee now in dejected servility we are not used as free men, but as subjects, yea, as meere slaves.

The severall extortions and exactions of these our Gaolers and Prison keepers, have wasted us more then the devouring Sword of the enemies, we are brought to that miserable condition which causeth our friends to pity us, and our enemies to flout, scorne and deride us, being also become a burthen to our selves, this is our condition, but what and where is the remedy, we have for these many yeares patiently suf-

fered and humbly sued for ease and remedy, *what fruit have we reaped?* Behold our patience and solicitations have procured unto us (hitherto) nothing else but continuation of our misery and increase of punishments, and our severall complaints (against Gaolers and their instruments of cruelty) have caused us to undergo, more Egyptian stripes, and with hazard of life, yet we still remaine unheard, not pitied, not regarded, whereby our condition is farre worse then the condition of their hounds in their kennells, and haukes in their mewes, which are by them both regarded and carefully provided for with food and lodging, convenient and fitting, *what is the reason of this their great neglect?* Because we are *Poore, Poore* I say, and not able to fee Lawyers, Attorneys, Solicitors and Gaolers; for if we had moneys to satiate these Horseleeches, then (though our causes were never so unjust, and debts never so great) we should no wayes doubt the gaining of our Liberties, it is not unknowne that some guilty and condemned to dye, are suffered to go at large, and have their liberty, this Gaolers may do, and what not? But it may be said, that other prisons may be better ordered, Prisoners, else where better used: Not the like oppressions and exactions practised But that these exorbitancies and oppressions are common and universall: The daily usage of Prisoners in the *Kings Bench* and the *Fleet* will abundantly and clearly manifest to all men. These exactions of the Prison of the Kings Bench (in part) will be discovered by these Fees, and summes of money by every poore prisoner there paid in particular: First, the charge of his removal from and out of the Counters, is seldome lesse then foure pound or five pound.

Secondly, if a prisoner be removed from some Prison in the Country to the Kings Bench. then it stands him seldome in little lesse then twelve pound, or fiftene pound. Then being turned over from the Judges Chambers, there is *Item* to the Tipstaffe eight shillings six pence. *Item*, upon entring his name into the Gaolers booke, now paid at the Kings Bench doore, on the Masters side, thirteen shillings six pence; where-as *Sir George Renolds* at the first exacted but three shillings.

four pence, (whereof the due Fee is, if any, but four pence) *Item*, for Chamber-rent, for some Chambers ten shillings, some eight shillings, some five shillings the weeke, yea, although six men lye in one Chamber on three beds, yet they are inforced to pay each man two shillings six pence the weeke, *Item*, to the Chamberlain, to help the Prisoner to a Chamber two shillings six pence, yea, some times five shillings: but if the Prisoner desire (upon security) to lie in the Rules, then in the first place, so much to the Lady *Lenthall*, for her favour in it. *Item*, to *Frish* the Clerke, for approving and taking security for the Prisoners true imprisonment, 20. shillings, 15. shillings, or 10. shillings at the least. *Item*, to Mr. *Holland* for making the Bond, two shillings six pence. *Item*, to Sir *John Lenthall* for liberty weekly paid by the Prisoner, some 20. shillings, some fifteen shillings, some 10. shillings, some five shillings at the least: And Sir *John Lenthalls* Rules reach sometimes as far as *Torke*: If the Prisoner be in Execution (and of Estate) then there is accompted to him, and required of him for each dayes liberty out of Terme ten shillings six pence, but if in Terme, four shillings for the first day, and three shillings for each day all the Terme after in generall of all Prisoners, which together with the charges of his keeper being two shillings, and other charges abroad amounts to no lesse also then ten shillings a day.

Item, so much to the Lady *Lenthall*, at Christmas, Easter, and Whitsontide, from every Prisoner, &c. And upon the discharge of a Prisoner, required and taken by Sir *John Lenthall*, his Deputy *Thomas Dutton*, his Clerke *John Landman*, and others his servants.

Imprimis, To Sir *John Lenthall* ten shillings. *Item*, to his Deputy *Thomas Dutton* ten shillings, as his Fee. *Item*, By *Frish* demanded, and of some received seven shillings six pence. *Item*, to the Tipstaffs six shillings. *Item*, to *Ralph Westfeler*, the chamberlain, and *Zachary Anzlor* two shillings, the Porter two shillings. *Item*, in the totall, and as the only due and lawfull Fee to Sir *John Lenthall* the Marshall four pence. *Item*, to *Dutton* and *Landman*, for with-drawing of every

every Action two shillings foure pence. *Item*, to the Marshall Sir John Lenthall also paid by the Prisoner three halfe-pence in the pound for every Execution depending against the Prisoner, and this cost unjustly required and taken, although the Creditors themselves discharge the said Actions and Executions freely, and upon the Prisoners refusal to pay any of these exorbitant Fees, then is had by them, forthwith charged with eight or ten new Actions in strange and unknowne mens names. and so still detained Prisoner, where many thus have ended their lives there; others inforced after discharge by their Creditour to pay unto them for the taking off, and discharge of such false Actions, no lesse then eight pound or ten pound, I will only mention to prove the truth of this Master George Burrage, sometime Pilate of the Royall Sovereigne, who after his agreement with his creditour, had no lesse then ten severall false actions by *Duison* and *Landman* charged on him. From which to cleere himself he then protested that they had inforced from him almost ten pound, this was done in the ycare 1645. yet this man was Prisoner, but in the common Gaole of Kings Bench.

Fees required and taken of the poore Prisoners in the common Gaole of Kings Bench. *Item*, at their being turned over by the Judge to the Tipstaffe 8s, 6d. *Item* to the porter 1s. *Item* at their discharge 28s, 4d. shared between the Marshall, his Deputy, Clarkes, and servants, of all which by the Law there is but 4d. due to be paid and that by a late Statute, as for all the rest of their illegall and unjust practises and barbarous cruelties inflicted on Prisoners, I deferre the relation thereof to a further discourse, referring you (for the present) to the Prisoners petition lately presented to the House of Commons, and for the severall illegall practises, exorbitant Fees, and inhumane cruelties taken, acted, and done by the severall Officers of the Fleet, I referre my self unto the Articles formerly Exhibited to the House of Lords against them, deferring the particular relation of their severall abuses lately acted to another time if the same bee not timously regulated and amended.

Prisoners for debt in the severall Prisons, whilst they are able to pay and have the favour of some Judge, or one of the Commissioners of the great Seale, may have a day writ to goe abroad, (which what is it else but meere fraud and couznage) to take their pleasure where they list, to live at home in their owne houses, to Trade and trafique in their owne Country, with this caution as a man of bondage, that in all that time they must pay chamber rent, present the Gaoler with some gift, and pay well his subordinate officers, these be the profitable tenants of Gaolers, and thus the Law and the Creditors are cozned and deceived, but other poore Prisoners who have not wherewith to satisfie the greedy lusts and desires of their wills, nor answer their unlimited excessive Fees and chamber rents, are by them mewed up close in Prison, or otherwise disposed in the worst and meanest lodgings, and most inhumanely exposed to all misery and want, and seldom or never come forth untill by death they are freed: yet here being such whom the Law hath declared traytors, can enjoy their Liberties and all the Freedome and accommodation that the Prison can afford, and goe abroad at their pleasures, such as these who are the Capitall enemies of the Kingdome, open Rebels to the State, are the only men in esteeme with Gaolers and their servants, live in all pleasure and ryot, being countenanced and respected, there they contrive wickednesse and deceit, Prisons to them, are no other then Sanctuaries and places of security, where then all manner of vice and wickednesse raigns and is tolerated, Prisons being none other then houses of Sodomie, here are rapes acted unquestioned, unreprieved, yea, they are become the very houses of hell, and of death, the receptacle, nurseries and seminaries of all filthinesse and vice.

But if such as are honest and well minded although committed thither for some triviall matter, as refusing to answer interrogatories against themselves (a custome now of late growne a thing which Law and nature abhorres, that any should bee a selfe-destroyer, according to that
maxime

maxime of Law, *Nemo tenetur prodere seipsum*, No man is bound to betray himselfe, frequent and common, as in the Prelatike times) are dis-respected, scorned, evill intreated, and by one way or other disgraced, defamed, and made the song of the Drunkards and Deboyt blaspheming Cavaliers; thus are these poore men laden with contempt and reproach, yea, such as come to visite them or minister unto them, abused, threatened and evill intreated, as divers Prisoners both in the Kings Bench and the Fleet have been beaten, abused, Famished and starved, so that for any honest man it were lesse grievous to dye at once by the hand of some cruell Executioner. then thus to mourne, live, waite and consume, in these soule-destroying Prisons, yet, are these insoberities and extreame oppressions still tollerated, and not any complaints against them can be heard: such favour and friendship, their wealth gotten by Rapine and Robberie hath gained them, *the power and greatnesse of some eminent Lawyers*, their allyance likewise serving them for a shelter, but I hope the Honourable Parliament, will now at length provide for the timely reliefe and enlargement of their poore oppressed and unjustly enslaved Prisoners, and not suffer them any longer to lye languishing in this their present perishing condition, for seeing many-hundredth of Ordinances have passed for the freeing and discharging thousands of Delinquents, who have spoyled, plundered, wasted and destroyed whole Townes and Countries, killed and murthered the Kingdoms friends, yet how can they in justice deny theirs and the Kingdomes friends and freemen of *England*, their just Liberties, so long expected, so much solicited for; surely if any feare of God, if any love to their native Country, Law or liberty, remaineth in them; they will not suffer the freeborne of this Nation longer to be enslaved and tyrannized over by these Egyptian Taskmasters, but without further procrastination free us from our unmercifull oppressors, for as Justice is the honour of a Nation, the Lod-stone to draw down the favour and mercies of God upon a Land and Nation, so doubtlesse (if timely provision be

be not made according to the will & pleasure of God and the Fundamentall Lawes of this Realme, for the preservation or rather restauration of the free practice of justice, & our native just freedomes, the dreadfull God of justice (*for the injustice of the Rulers of the people*) will in his wrath and fury contend against them, and in away (by them not thought of) will in mercy send deliverance unto the poore enslaved Prisoners, and bring an evill upon their adversaries and oppressors, which shall astonish them, wrath and destruction shall take hold of them? *This is the Lords doing, and marvellous in our eyes, [o let all thy enemies perish O Lord.*

